

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 USIE-00 INRE-00 PM-04 H-02 INR-07 L-03 NSC-05

PA-01 PRS-01 SP-02 SS-15 CAB-02 COME-00 DOTE-00 EB-07

CIEP-01 FAA-00 AID-05 IGA-02 /070 W

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FM AMEMBASSY ANKARA

TO SECSTATE WASHDC IMMEDIATE 4977

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E.O. 11652: GDS

TAGS: PFOR, THGA, ETRD, EAID, MILI, TU, US

SUBJECT: ALLEGED TURKISH VIOLATIONS OF AGREEMENT ON LOCKHEED DOCUMENTS

REF: STATE 234280

SUMMARY. PRIME MINISTER DEMIREL AUGUST 3 AND JUSTICE MINISTER MUFTULGLU AUGUST 31 SAID THAT LOCKHEED DOCUMENTATION WOULD BE MADE AVAILABLE TO PARLIAMENTARY INVESTIGATING COMMISSION. STATEMENTS WERE REPORTED AMBIGUOUSLY IN PRESS ALONG WITH CHARGES BY COMMISSION CHAIRMAN THAT DEMIREL WAS WITHHOLDING INFORMATION AND STATEMENT BY JUSTICE MINISTER THAT NO MATERIAL WOULD BE TURNED OVER TO COMMISSION UNTIL END OF INVESTIGATION AND PROSECUTION IN ACCORDANCE WITH US/TURKISH BILATERAL AGREEMENT ON LOCKHEED/MCDONNELL-DOUGLAS DOCUMENTATION. BEST INFORMATION AVAILABLE TO DIRECTOR OF INTER-NATIONAL SECURITY AFFAIRS, MFA, IS THAT TRANSFER HAS NOT YET ACTUALLY BEEN MADE. EMBASSY IS REQUESTING CLARIFICATION FROM MFA. END SUMMARY.

1. ACCORDING TO TURKISH RADIO AND TELEVISION NEWS REPORT AUGUST 3, PRIME MINISTER DEMIREL SAID THAT DAY: QUOTE. IN ACCORDANCE WITH THIS AGREEMENT, ALL DOCUMENTS AND INFORMATION HAVE BEEN TRANSMITTED TO INVESTIGATION ORGANS THROUGH

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MARGARET P. GRAFELD DECLASSIFIED/RELEASED US DEPARTMENT OF STATE EO SYSTEMATIC REVIEW 04 MAY 2006

TURKISH MINISTRY OF JUSTICE. HOWEVER, AS PARLIAMENTARY INVESTIGATING COMMISSION ALSO WANTED TO EXAMINE SAME DOCUMENTS AND INFORMATION, I HAVE GIVEN NECESSARY INSTRUCTIONS TO MINISTRIES OF JUSTICE AND FOREIGN AFFAIRS FOR COPIES OF ALL DOCUMENTS AND INFORMATION RECEIVED FROM UNITED STATES TO DATE, AND TO BE RECEIVED, TO BE GIVEN TO SAID COMMISSION. UNQUOTE.

2. TURKISH NEWSPAPER CUMHURIYET REPORTED SETP. 1 STATEMENT BY JUSTICE MINISTER ISMAIL MUFTUOGLU DAY EARLIER THAT UPON REQUEST BY PARLIAMENTARY INVESTIGATING COMMISSION, AND IN ACCORDANCE WITH INSTRUCTION FROM PRIME MINISTRY, ALL INFORMATION AND DOCUMENTS FROM AMERICA WILL BE GIVEN TO COMMISSION. "UPON INSTRUCTIONS OF PRIME MINISTRY, JUSTICE MINISTRY HAS NOTIFIED OFFICE OF ANKARA PUBLIC PROSECUTOR...PUBLIC PROSECUTOR'S OFFICE WILL GIVE ALL DOCUMENTS IN ITS POSSESSION TO OFFICE OF CHAIRMAN OF PARLIAMENTARY COMMISSION."

3. EMBASSY HAS CHECKED THESE STATEMENTS WITH GALIP BALKAR, ASSISTANT DIRECTOR, INTERNATIONAL SECURITY AFFAIRS, MFA, WHO WAS ONE OF NEGOTIATORS OF BILATERAL AGREEMENT. BALKAR, CONFIRMING DEMIREL'S STATEMENT, SAID THAT TO BEST OF HIS KNOWLEDGE, NO INFORMATION HAS YET BEEN TRANSMITTED TO PARLIAMENTARY COMMISSION. MFA HAS FROM BEGINNING POINTED OUT THAT SUCH TRANSFER WOULD VIOLATE CONFIDENTIALITY PROVISIONS OF BILATERAL.

4. AFTER CHECKING OUT MATTER, HE CALLED BACK TO REPORT THAT DIRECTOR FOR INTERNATIONAL SECURITY AFFAIRS, HAD ALSO SEEN NO EVIDENCE THAT DOCUMENTS HAD YET BEEN TURNED OVER.

5. BALKAR EXPLAINED THAT IN PRESENT COALITION GOVERNMENT, INSTRUCTION FROM PRIME MINISTER IS NOT AUTOMATICALLY IMPLEMENTED. JUSTICE MINISTRY, RECEIVING DEMIREL'S INSTRUCTION, HAD UNDERTAKEN STUDY OF ITS LEGALITY. BEFORE STUDY WAS COMPLETED, HOWEVER, MINISTER OF JUSTICE MADE STATEMENT REFERRED TO ABOVE.

6. BALKAR EXPLAINED THAT HE AND DIRECTOR ARE CIVIL SER-
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VANTS AND MAY NOT BE PRIVY TO ALL THAT POLITICIANS ARE UP TO. OPPOSITION PARTIES HAVE PUT HEAVY PRESSURE ON DEMIREL TO PROVIDE INFORMATION TO PARLIAMENTARY COMMISSION, WHICH IS CHAIRED BY OPPOSITION REPUBLICAN PEOPLES' PARTY DEPUTY YILMAZ ALPASLAN. BALKAR THOUGHT IT WAS POSSIBLE THAT INTERNAL POLITICAL PRESSURE MIGHT FORCE TRANSFER.

6. COMMENT. UNDER TURKISH PENAL LAW SYSTEM, ALL DETAILS OF

INVESTIGATORY PHASE OF PENAL PROCEEDINGS ARE SECRET. PROCEEDINGS BECOME PUBLIC ONLY WHEN PROSECUTION GETS UNDER WAY. EMBASSY NOTES IN CONNECTION WITH THIS PRACTICE THAT DEMIREL'S STATEMENT GIVES NO INDICATION WHEN HE INTENDS TO TURN OVER DOCUMENTATION. FURTHERMORE, WHEN JUSTICE MINISTER SAID DOCUMENTS WOULD BE TRANSFERRED, HE ALSO STATED HIS AWARENESS OF CONFIDENTIALITY OBLIGATIONS OF BILATERAL.

8. EMBASSY IS REQUESTING THAT MFA DETERMINE WHETHER INFORMATION HAS BEEN PASSED TO PARLIAMENTARY COMMISSION AND IS REMINDING GOT OF ITS OBLIGATIONS UNDER BILATERAL AGREEMENT.

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Margaret P. Grafeld
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